

Application No.: 09/885,888  
Amendment Dated: February 2, 2006  
Reply to Office Action of: November 2, 2005

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**Remarks/Arguments:**

Claims 1, 5, 21, 23 and 25 have been amended. No new material is introduced herein. Claims 4, 6, 10-13, 16-17 and 27-31 are cancelled. Claims 1-3, 5, 7-9, 14-15 and 18-26 are pending.

Claims 1-3, 5, 7-9, 14, 15, and 18-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sakakibara (U.S. Pat. No. 4,900,902) in view of Tanaka Yoshiyuki et al. (JP 2000-112824). It is respectfully submitted, however, that these claims are patentable over the cited art for the reasons set forth below.

Claim 1, as amended, includes features neither disclosed nor suggested by the cited art, namely:

...if said input selector selects data to be transferred to said memory card and the facsimile apparatus detects that the memory card is not loaded in said memory card input and output unit...

... the data to be transferred is stored in said data memory unit until the facsimile apparatus detects that said memory card is loaded into said memory card input and output unit...

... the data being transferred to said memory card responsive to said detection of said memory card...(Emphasis added)

These features are disclosed, for example, page 13, lines 22 - 25 and Fig. 3.

Sakakibara discloses a data communication apparatus which includes a card unit 140 shown in Figure 1. Sakakibara further discloses, in Figure 5(b), a process of writing received data into a card. At step N19, it is determined whether a card is inserted into the card unit. If a card is not inserted, the data is received and printed out by the recording output unit 30 at steps N24-N26 (Col. 7, lines 15-19). Sakakibara does not disclose or suggest Applicants' claimed features of "if said input selector selects data to be transferred to said memory card and the facsimile apparatus detects that the memory card is not loaded in said memory card input and output unit, the data to be transferred is stored in said data memory unit until the facsimile apparatus detects that said memory card is loaded into said memory card input and output unit" and "the data being transferred to said memory card responsive

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to said detection of said memory card" (emphasis added). Sakakibara does not disclose or suggest that data selected to be transferred to a memory card when a memory card is not inserted is stored and later transmitted to the memory card responsive to detection of the memory card. Instead, Sakakibara discloses printing the data if a memory card is not loaded. Thus, Sakakibara does not include all of the features of amended claim 1.

Yoshiyuki et al. disclose a copyright flash memory card in paragraph [0020]. However, Yoshiyuki et al. do not make up for the features that are lacking in Sakakibara. Namely, that data selected to be transferred to a memory card when a memory card is not inserted is stored and later transmitted to the memory card responsive to detection of the memory card. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-3, 5, 7 and 18 include all of the features of claim 1 from which they depend. Accordingly, claims 2-3, 5, 7 and 18 are also patentable over the cited art.

Claims 21, 23 and 25 have been amended. Although not identical to claim 1, claims 21, 23 and 25 each include features similar to amended claim 1 which are not disclosed nor suggested in the cited art. Namely, that data selected to be transferred to a memory card when a memory card is not inserted is stored and later transmitted to the memory card responsive to detection of the memory card. Accordingly, claims 21, 23 and 25 are also patentable over the cited art at least for the reasons discussed above. Allowance of claims 21, 23 and 25 is respectfully requested.

Claim 22 includes all of the features of claim 21 from which it depends. Claim 24 includes all of the features of claim 23 from which it depends. Claim 26 includes all of the features of claim 25 from which it depends. Accordingly, claims 22, 24 and 26 are also patentable over the cited art.

The rejection of claim 8 is respectfully traversed. Applicants' invention, as required by claim 8, includes features which are neither disclosed nor suggested by the cited art, namely:

...said scanner is provided with an infrared ray emitter, and the facsimile apparatus main body further comprises an infrared ray detector..

Page 4 of the Official Action asserts that reading portion 10 of Sakakibara reads on a scanner for reading an original document or image data of Applicants' claim 8. Sakakibara discloses a reading portion 10 for reading images from original sheets (Fig. 1 and Col. 2, lines 9-11). The image data from the reading portion 10 is provided to image signal processing unit 20 and further to main control unit 60 for encoding or decoding the image data (Col. 2, lines 12-15 and Col. 2, lines 27-35). Sakakibara does not disclose or suggest Applicants' claimed feature of "said scanner is provided with an infrared ray emitter, and the facsimile apparatus main body further comprises an infrared ray detector" (emphasis added). Sakakibara does not suggest or disclose that the reading portion 10 includes an infrared ray emitter. Sakakibara further does not disclose or suggest that the data communication apparatus includes an infrared ray detector. In paragraph 13 of the Official Action of July 28, 2005, the Examiner agrees that Sakakibara does not disclose or suggest all of the features of Applicant's claim 8. Sakakibara is silent regarding a scanner provided with an infrared ray emitter and a facsimile apparatus main body including an infrared ray detector. Thus, Sakakibara does not include all of the features of claim 8.

Yoshiyuki et al. is discussed above. Yoshiyuki et al. do not make up for the features that are lacking in Sakakibara. Namely, a scanner provided with an infrared ray emitter and a facsimile apparatus main body including an infrared ray detector. Accordingly, allowance of claim 8 is respectfully requested.

Claims 14 and 19 include all of the features of claim 8 from which they depend. Accordingly, claims 14 and 19 are also patentable over the cited art.

The rejection of claim 9 is respectfully traversed. Although not identical to claim 8, claim 9 includes features similar to claim 8 which are neither disclosed nor suggested in the cited art, namely that the scanner is provided with an infrared ray emitter and the facsimile apparatus main body includes an infrared ray detector. Accordingly, claim 9 is patentable over the cited art for at least the same reasons as for claim 8. Allowance of claim 9 is respectfully requested.

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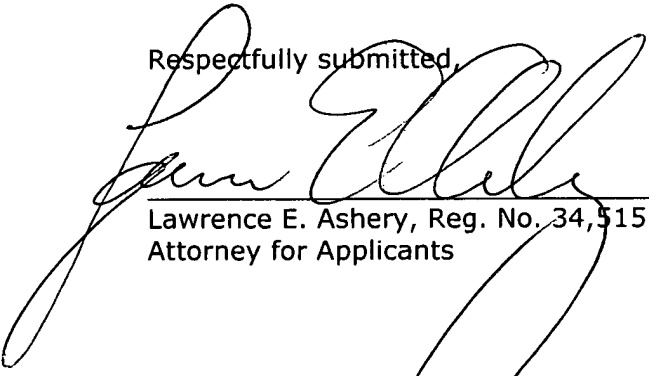
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Claims 15 and 20 include all of the features of claim 9 from which they depend. Accordingly, claims 15 and 20 are also patentable over the cited art.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Sakakibara in view of Fujiki (U.S. Patent No. 6,542,254). This claim, however, also includes all of the features of claim 1 from which it depends. Fujiki does not make up for the features that are lacking in Sakakibara. Accordingly, claim 5 is also patentable over the cited art.

In view of the amendments and arguments set forth above, the above identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

  
Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

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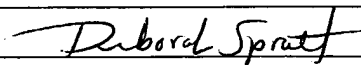
Dated: February 2, 2006

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February 2, 2006

Deborah Spratt



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